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July 6, 2010

Commissioner for Patents
Attention: Certificates of Correction Branch
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Alexandria, VA 22313-1450

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office via EFS-Web on the date below:

July 6, 2010
Date

Steven L. Highlander

RE: *Request for Certificate of Correction*
Patent No. 7,303,906 Dated: December 4, 2007
Application No. 10/655,914 Confirmation No.: 8615
Entitled: "COMPETENT BACTERIA" – Frederick R. BLATTNER et al.
Our Ref.: WARF:018US

Commissioner:

Attached is form PTO-1050. An error of a minor nature is thereon corrected. The error is due to the Patent Office's pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A). A Certificate of Correction is requested under 35 U.S.C. § 254.

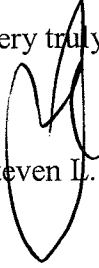
In view of *Wyeth v. Kappos*, No. 2009-1120 (Fed. Cir., Jan. 7, 2010), Patentees request correction of the patent term adjustment under 35 U.S.C. 154(b) from 0 days to 112 days. Pursuant to 37 C.F.R. § 1.703(b), Patentees are entitled to a period of patent term adjustment due to failure of the Office to issue a patent within three years after the filing date, *i.e.* September 5, 2006. Since the Patent Office failed to issue the above-identified patent until December 4, 2007, Patentees are entitled to a period of patent term adjustment beginning on the day after the date that is 3 years after the filing date of the application, *i.e.* September 6, 2006, and ending on the date a patent is issued, *i.e.*, December 4, 2007. Accordingly, the period of patent term adjustment due to this delay is 455 days.

A partial period of this delay (331 days) was included in the patent term adjustment determination. If the complete period of delay is counted, total Patent Office delay should be calculated as 579 days; total Applicant delay should be calculated as 467 days; and total patent term adjustment should be calculated as 112 days.

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It is believed that no fees under 37 C.F.R. §§ 1.16 to 1.21 are occasioned by the filing of this paper; however, should the Commissioner determine otherwise, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/WARF:018US.

Very truly yours,



Steven L. Highlander

SLH/jst
Attachment

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,303,906
DATED : December 4, 2007
INVENTOR(S) : Frederick R. BLATTNER et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

Delete the phrase "by 0 days" and insert --by 112 days--.

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PATENT NO. 7,303,906
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